

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2005 MAR -4 P 3:06

----- x

PUTNAM, LLC (d/b/a PUTNAM
INVESTMENTS), :

Plaintiff, :

v. : Civil Action
No. 05-10211-RCL

SPEEDTRADER HOLDING CORP.,
SPEEDTRADER.COM INC., PUTNAM :
DIRECT LLC, and PUTNAM :
FINANCIAL INC., :

Defendants. :

----- x

**ASSENTED TO MOTION FOR ENTRY OF
ORDER OF PERMANENT INJUNCTION**

Plaintiff Putnam, LLC ("Putnam") hereby respectfully moves for entry of a permanent injunction in the form attached hereto as Exhibit B against defendants SpeedTrader Holding Corp., SpeedTrader.com Inc., and Putnam Financial Inc. ("SpeedTrader"). As grounds for this motion, Putnam states as follows:

1. Putnam filed a complaint in this action seeking preliminary and permanent injunctive relief on February 2, 2005.
2. Putnam and SpeedTrader reached an agreement as to the resolution of this matter on February 9, 2005, the terms of which are set forth in the February 25, 2005, letter agreement attached hereto at Exhibit A (the "Letter Agreement").
3. In the Letter Agreement, SpeedTrader assented to the filing of this motion and agreed to the entry of the Order Of Permanent Injunction attached hereto as Exhibit B.

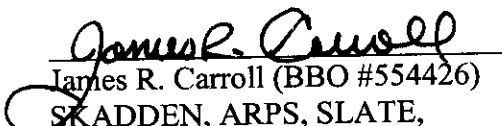
4. WHEREFORE, Putnam respectfully requests that its motion for entry of the attached Order Of Permanent Injunction be granted, and for such other relief as the Court deems just and proper.

CERTIFICATION UNDER LOCAL RULE 7.1(A)(2)

The undersigned hereby certifies that counsel for Putnam have conferred with SpeedTrader regarding the filing of this motion, and SpeedTrader has assented to the relief sought herein.

Dated: March 4, 2005

Respectfully submitted,


James R. Carroll (BBO #554426)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 573-4800

Counsel for Plaintiff Putnam, LLC

CERTIFICATE OF SERVICE

I, James R. Carroll, hereby certify that on March 4, 2005 I caused a true copy of the foregoing Plaintiff Putnam, LLC's Assented To Motion For Entry Of Order Of Permanent Injunction to be served by first class mail, postage prepared, upon defendants SpeedTrader Holding Corp., SpeedTrader.com Inc., and Putnam Financial Inc. at 1717 Route 6, Suite 101, Carmel New York, 10512.

Dated: March 4, 2005


James R. Carroll

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

ONE BEACON STREET
BOSTON, MASSACHUSETTS 02108-3194

TEL: (617) 573-4800

FAX: (617) 573-4822

www.skadden.com

FIRM/AFFILIATE OFFICES

CHICAGO
HOUSTON
LOS ANGELES
NEWARK
NEW YORK
PALO ALTO
RESTON
SAN FRANCISCO
WASHINGTON, D.C.
WILMINGTON
BEIJING
BRUSSELS
FRANKFURT
HONG KONG
LONDON
MOSCOW
PARIS
SINGAPORE
SYDNEY
TOKYO
TORONTO
VIENNA

February 25, 2005

BY FACSIMILE

Mr. Guy Gentile
Chief Executive Officer
SpeedTrader Holding Corp.
1717 Route 6, Suite 101
Carmel, NY 10512

Re: PutnamDirect.com

Dear Mr. Gentile:

This letter follows up our recent conversations and your facsimiles of February 17 and 23, 2005.

You represented that SpeedTrader Holding Corp., SpeedTrader.com Inc., and Putnam Financial Inc. (the "Defendants") had ceased all uses of any names, marks, domain names, and keywords consisting of or including the term "Putnam", including, without limitation, ceasing use of the names and marks "Putnam Direct", "PutnamDirect.com", "Putnam Financial", "1st Putnam Financial", as well as the domain names PutnamDirect.com, PutnamFinancial.com, and 1stPutnamFinancial.com. You have further represented that, as of date of this letter, the Defendants had caused all domain names registered by the Defendants, their parents, affiliates, subsidiaries, predecessors, administrators, assigns, officers, directors, agents, employees or representatives that consist of or include the term "Putnam", including, without limitation the domain names PutnamDirect.com, PutnamFinancial.com, and 1stPutnamFinancial.com, to be cancelled. You have also represented that you do not own, have an interest in, have an affiliation with, act as a principal in, or have any other relationship with Putnam Direct, LLC.

In light of these representations, and our subsequent conversations, set forth below are the further revised terms of a settlement acceptable to Putnam, LLC ("Putnam"). If accepted by Defendants, Putnam will withdraw its complaint without prejudice to re-file it in the event that Putnam discovers that Defendants' representations set forth above were false at the time they were made, or Defendants fail to meet the obligations set forth below.

Mr. Guy Gentile
February 25, 2005
Page 2

1. Defendants shall immediately cancel any applications, registrations or reservations for names, corporate names, or marks consisting of or including the term "Putnam", including, without limitation, the corporate names Putnam Financial Inc., and 1st Putnam Financial with the Secretary of State's Office, the NASD, or any other governmental or administrative authority or exchange.

2. The Defendants, their parents, affiliates, subsidiaries, predecessors, successors, administrators, assigns, stockholders, officers, directors, agents, employees or representatives, all persons acting in concert or participation with the Defendants, and/or acting on their behalf or at their direction, shall not, at any time after the date of this letter use in commerce the term "Putnam" alone or in combination with any other words, terms, names, symbols, and/or device in connection with goods or services other than realty services.

3. The Defendants agree to the filing of the Assented To Motion For Entry Of Order Of Permanent Injunction attached hereto as Exhibit I and the entry of the Order Of Permanent Injunction attached thereto as Exhibit B.

Please have your client demonstrate Defendants' ratification of the representations set forth above, as well as Defendants' acceptance of the foregoing terms, by signing and returning to me a countersigned copy of this letter, and keep a duplicate for your files.

Very truly yours,


James R. Carroll

Attachments

Accepted and agreed:

SpeedTrader Holding Corp.

By: _____

Title: _____

Date: _____

Mr. Guy Gentile
February 25, 2005
Page 3

SpeedTrader.com Inc.

By: _____

Title: _____

Date: _____

Putnam Financial Inc.

By: _____

Title: _____

Date: _____

Mar-01-2005 09:22pm From:SUPPORT SERVICES SASMF BOSTON

617-725-5480

T-184 P.002/011 F-072

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLPONE BEACON STREET
BOSTON, MASSACHUSETTS 02108-3194

TEL (617) 573-4800

FAX: (617) 573-4828

www.skadden.com

Principal Offices

CHICAGO
HOUSTON
LOS ANGELES
NEW YORK
NEW YORK
PALM BEACH
RESTON
SAN FRANCISCO
WASHINGTON, D.C.
WILMINGTON
BIRMINGHAM
BRUSSELS
FRANKFURT
HONG KONG
LONDON
MOSCOW
PARIS
SAN JOSE
SINGAPORE
TOKYO
TORONTO
VIENNA

February 25, 2005

BY FACSIMILEMr. Guy Gentile
Chief Executive Officer
SpeedTrader Holding Corp.
1717 Route 6, Suite 101
Carmel, NY 10512Re: PutnamDirect.com

Dear Mr. Gentile:

This letter follows up our recent conversations and your facsimiles of February 17 and 23, 2005.

You represented that SpeedTrader Holding Corp., SpeedTrader.com Inc., and Putnam Financial Inc. (the "Defendants") had ceased all uses of any names, marks, domain names, and keywords consisting of or including the term "Putnam", including, without limitation, ceasing use of the names and marks "Putnam Direct", "PutnamDirect.com", "Putnam Financial", "1st Putnam Financial", as well as the domain names PutnamDirect.com, PutnamFinancial.com, and 1stPutnamFinancial.com. You have further represented that, as of date of this letter, the Defendants had caused all domain names registered by the Defendants, their parents, affiliates, subsidiaries, predecessors, administrators, assigns, officers, directors, agents, employees or representatives that consist of or include the term "Putnam", including, without limitation the domain names PutnamDirect.com, PutnamFinancial.com, and 1stPutnamFinancial.com, to be cancelled. You have also represented that you do not own, have an interest in, have an affiliation with, act as a principal in, or have any other relationship with Putnam Direct, LLC.

In light of these representations, and our subsequent conversations, set forth below are the further revised terms of a settlement acceptable to Putnam, LLC ("Putnam"). If accepted by Defendants, Putnam will withdraw its complaint without prejudice to re-file it in the event that Putnam discovers that Defendants' representations set forth above were false at the time they were made, or Defendants fail to meet the obligations set forth below.

Mar-01-2005 03:22pm From: SUPPORT SERVICES SASMF BOSTON

617-725-6480

T-184 P.003/011 F-072

Mr. Guy Gentile
February 25, 2005
Page 2

1. Defendants shall immediately cancel any applications, registrations or reservations for names, corporate names, or marks consisting of or including the term "Putnam", including, without limitation, the corporate names Putnam Financial Inc., and "Putnam Financial with the Secretary of State's Office, the NASD, or any other governmental or administrative authority or exchange.

2. The Defendants, their parents, affiliates, subsidiaries, predecessors, successors, administrators, assigns, stockholders, officers, directors, agents, employees or representatives, all persons acting in concert or participation with the Defendants, and/or acting on their behalf or at their direction, shall not, at any time after the date of this letter use in commerce the term "Putnam" alone or in combination with any other words, terms, names, symbols, and/or device in connection with goods or services other than realty services.

3. The Defendants agree to the filing of the Assented To Motion For Entry Of Order Of Permanent Injunction attached hereto as Exhibit I and the entry of the Order Of Permanent Injunction attached thereto as Exhibit B.

Please have your client demonstrate Defendants' ratification of the representations set forth above, as well as Defendants' acceptance of the foregoing terms, by signing and returning to me a countersigned copy of this letter, and keep a duplicate for your files.


Very truly yours,


James R. Carroll

Attachments

Accepted and agreed:

SpeedTrader Holding Corp.

By: 
Title: President
Date: 2/3/05

Mar-01-2005 09:23pm From-SUPPORT SERVICES SASIF BOSTON

817-725-6490

T-184 P.004/011 F-072

Mr. Guy Gennle
February 25, 2005
Page 3

SpeedTrader.com Inc.

By: 1/9

Title: President

Date: 2/3/05

Putnam Financial Inc.

By: 1/9

Title:

Date: 2/3/05

Exhibit 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

----- x

PUTNAM, LLC (d/b/a PUTNAM INVESTMENTS),	:	
	:	
Plaintiff,	:	
	:	Civil Action
v.	:	No. 05-10211-RCL
	:	
SPEEDTRADER HOLDING CORP., SPEEDTRADER.COM INC., PUTNAM DIRECT LLC, and PUTNAM FINANCIAL INC.,	:	
	:	
Defendants.	:	

----- x

**ASSENTED TO MOTION FOR ENTRY OF
ORDER OF PERMANENT INJUNCTION**

Plaintiff Putnam, LLC ("Putnam") hereby respectfully moves for entry of a permanent injunction in the form attached hereto as Exhibit A against defendants SpeedTrader Holding Corp., SpeedTrader.com Inc., and Putnam Financial Inc. ("SpeedTrader"). As grounds for this motion, Putnam states as follows:

1. Putnam filed a complaint in this action seeking preliminary and permanent injunctive relief on February 2, 2005.
2. Putnam and SpeedTrader reached an agreement as to the resolution of this matter on February 9, 2005, the terms of which are set forth in the February 25, 2005, letter agreement attached hereto at Exhibit A (the "Letter Agreement").
3. In the Letter Agreement, SpeedTrader assented to the filing of this motion and agreed to the entry of the Order Of Permanent Injunction attached hereto as Exhibit B.

4. WHEREFORE, Putnam respectfully requests that its motion for entry of the attached Order Of Permanent Injunction be granted, and for such other relief as the Court deems just and proper.

CERTIFICATION UNDER LOCAL RULE 7.1(A)(2)

The undersigned hereby certifies that counsel for Putnam have conferred with SpeedTrader regarding the filing of this motion, and SpeedTrader has assented to the relief sought herein.

Dated: February __, 2005

Respectfully submitted,

James R. Carroll (BBO #554426)
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
One Beacon Street
Boston, Massachusetts 02108
(617) 573-4800

Counsel for Plaintiff Putnam, LLC

CERTIFICATE OF SERVICE

I, James R. Carroll, hereby certify that on February __, 2005 I caused a true copy of the foregoing Plaintiff Putnam, LLC's Motion For Preliminary Injunction to be served by First Class Mail upon defendants SpeedTrader Holding Corp., SpeedTrader.com Inc., and Putnam Financial Inc. at 1717 Route 6, Suite 101, Carmel New York, 10512.

Dated: February __, 2005

James R. Carroll

Exhibit A

Executed Copy of February 25, 2005 Settlement Letter

Exhibit B

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

----- X

PUTNAM, LLC (d/b/a PUTNAM
INVESTMENTS), :

Plaintiff, :

v. : Civil Action
No. 05-10211-RCL

SPEEDTRADER HOLDING CORP.,
SPEEDTRADER.COM INC., PUTNAM
DIRECT LLC, and PUTNAM
FINANCIAL INC., :

Defendants. :

----- X

ORDER OF PERMANENT INJUNCTION

IT IS HEREBY ORDERED that defendants SpeedTrader Holding Corp., SpeedTrader.com Inc., and Putnam Financial Inc., their parents, affiliates, subsidiaries, predecessors, successors, administrators, assigns, stockholders, officers, directors, agents, employees or representatives, all persons acting in concert or participation with SpeedTrader Holding Corp., SpeedTrader.com Inc., and Putnam Financial Inc., and/or acting on their behalf or at their direction (collectively, "SpeedTrader"), are permanently enjoined from using in commerce the term "Putnam" alone or in combination with any other words, terms, names, symbols, and/or device in connection with goods or services other than realty services.

Dated: February __, 2005

Reginald C. Lindsay
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

----- x

PUTNAM, LLC (d/b/a PUTNAM INVESTMENTS),	:	
	:	
Plaintiff,	:	
	:	Civil Action
v.	:	No. 05-10211-RCL
	:	
SPEEDTRADER HOLDING CORP., SPEEDTRADER.COM INC., PUTNAM DIRECT LLC, and PUTNAM FINANCIAL INC.,	:	
	:	
Defendants.	:	

----- x

ORDER OF PERMANENT INJUNCTION

IT IS HEREBY ORDERED that defendants SpeedTrader Holding Corp., SpeedTrader.com Inc., and Putnam Financial Inc., their parents, affiliates, subsidiaries, predecessors, successors, administrators, assigns, stockholders, officers, directors, agents, employees or representatives, all persons acting in concert or participation with SpeedTrader Holding Corp., SpeedTrader.com Inc., and Putnam Financial Inc., and/or acting on their behalf or at their direction (collectively, "SpeedTrader"), are permanently enjoined from using in commerce the term "Putnam" alone or in combination with any other words, terms, names, symbols, and/or device in connection with goods or services other than realty services.

Dated: March __, 2005

Reginald C. Lindsay
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CLERK'S NOTICE

This document can not be scanned due to its size, or the way in which it was bound.

The original is available for viewing in the Clerk's Office.